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ABSTRACT

North Carolina's Child Abuse Reporting Law makes all citizens legally responsible for reporting incidents of child abuse and neglect. Professionals, such as doctors and teachers, must also give their professional opinions as to the nature, extent, and causes of the damaged child's condition. The basic purpose of the law is to identify children at risk because of parental or caretaker abuse or neglect and then to provide protective services for these children. North Carolina's county social services departments have the primary responsibility for implementing the law; citizens must report incidents of abuse or neglect to these departments. The law provides protection against civil and criminal liability for any one reporting such incidents in good faith. This booklet summarizes the Child Abuse Reporting Law in layman's language. It also contains the text of the law, as well as of state statutes setting criminal sanctions for child abuse. (Author/DS)

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THE CHILD ABUSE REPORTING LAW

Protecting Children Becomes a Broader Community Responsibility

MASON P. THOMAS, JR.

2d Edition

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INTRODUCTION

Child abuse and neglect is not a new problem. It is probably as old as man. In recent years, pediatric X-rays have given tangible evidence of this abuse, and press coverage has made the public aware of it.

North Carolina began to address the problem through law when the General Assembly enacted a voluntary child-abuse reporting law in 1965. In 1971 it enacted a mandatory reporting law that makes all citizens, but especially professionals, responsible for protecting children by reporting child abuse and neglect. Since that law was passed, the level of reporting has increased dramatically.

Nevertheless, problems of implementing the law still remain. Many people still do not know about it, and some professionals choose not to report for a variety of reasons.

The basic purpose of the reporting law is to identify children at risk because of abuse or neglect and then to provide protective services. When circumstances and the child's safety permit, the aim is to help the parents with their problems of parenting so that the child and his family need not be separated.

County social services departments have the primary responsibility for implementing the reporting law, and the task requires delicate judgment and difficult decision-making. The purpose of this booklet is to facilitate implementation by explaining the reporting law in simple, everyday language.

SUMMARY OF THE CHILD ABUSE REPORTING LAW

In 1971 the General Assembly enacted a mandatory Child Abuse Reporting Law, which places a legal responsibility on professionals and lay citizens to report cases of child abuse or neglect. The law is codified in the North Carolina General Statutes Chapter 110, Article 8, sections 110-115 to -122.

Legislative Intent

The statutes clearly state the legislature's intent: "The General Assembly recognizes the growing problem of child abuse and neglect in that children do not always receive appropriate care and protection from their parents or other caretakers acting in loco parentis. The primary purpose of requiring reports of child abuse and neglect as provided by this Article is to identify any children suspected to be neglected or abused and to assure that protective services will be made available to such children and their families as quickly as possible to the end that such children will be protected, that further abuse or neglect will be prevented, and to preserve the family life of the parties involved where possible by enhancing parental capacity for good child care."

Who Must Report?

The law's general thrust addresses the problem of child abuse and neglect by encouraging everyone to protect children at risk by reporting cases of abuse and neglect. Those whom the reporting law classifies as a "professional person" have the most legal responsibility in this area: Professionals must report *suspected* child abuse or

neglect; nonprofessionals must report child abuse when they have actual knowledge of the situation.

A "professional person" who is required to report suspected cases of child abuse and neglect is defined by statute to include: physician, surgeon, dentist, osteopath, optometrist, chiropractor, podiatrist, physician-resident, intern, registered or practical nurse, hospital administrator, Christian Science practitioner, medical examiner, coroner, social worker, law enforcement officer, mental health worker, psychologist, public health worker, school teacher, principal, school attendance counselor, and other professional personnel in a public or private school.

What Is Reportable Child Abuse or Neglect?

Child abuse is the treatment of a child by his parent or his caretaker that is characterized by (a) intentional acts that result in physical injury to the child; (b) the toleration of conditions that may cause the child physical injury or endanger his health; or (c) an illegal sexual act upon the child. The statute contains this definition: "An abused child means a child less than 18 years of age whose parent or other person responsible for his care: (a) inflicts or allows to be inflicted upon such child a physical injury by other than accidental means which causes or creates a substantial risk of death or disfigurement or impairment of physical health or loss or impairment of function of any bodily organ or (b) creates or allows to be created a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death or disfigurement or impairment of physical health or loss or impairment of a function of any bodily organ, or (c) commits or allows to be committed any sex act upon a child in violation of law."

Reportable child neglect is defined more broadly. The child abuse

reporting law incorporates the definition of neglect from the statute defining the juvenile jurisdiction of the district court over a "neglected child." Thus a "neglected child" is any child less than 18 years of age "who does not receive proper care or supervision or discipline from his parent, guardian, custodian, or other person acting as a parent, or who has been abandoned, or who is not provided necessary medical care or other remedial care recognized under State law, or who lives in an environment injurious to his welfare, or who has been placed for care or adoption in violation of law."

Making Reports

Where. Reports of child abuse or neglect should be made to the director of social services in the county where the child lives or is found. These need not be made personally to the director. Most county departments have specified staff or a unit that may be called the protective services division to receive such reports.

How. A report of child abuse or neglect may be oral, by telephone, or written.

Content of Report. The statute is specific about what a report should include: "The report shall include such information as is known to the person making the report, including the name and address of the child; the name and address of the child's parents or other caretakers; the age of the child; the present whereabouts of the child if not at the home address; the nature and extent of the child's injury or condition resulting from abuse or neglect; and any other information which the person making the report believes might be helpful in establishing the cause of the injuries or the condition resulting from abuse or neglect."

Obviously, not every reporter will have all the specified informa-

tion. The reporter should simply include in the report whatever information he may have.

Identity of Reporter. No matter how the report is made—orally, written, or by telephone—the reporter must give his name, address, profession (if he is a professional person), and telephone number if he has one.

Confirmation of Report in Writing. When the report is oral or by telephone, the reporter must confirm the information he has given in writing when requested to do so by the county director of social services.

Professional Opinion of Professionals. If the reporter is a professional person as classified by the reporting law, his report must also include his professional opinion as to the nature, extent, and causes of the injuries or the condition resulting from abuse or neglect.

Protection to Those Who Make Reports

Civil and Criminal Liability. To encourage reporting without fear of liability, two sections of the reporting law provide immunity to people who in good faith report child abuse or neglect. Anyone (whether or not he is a professional) who makes a report of child abuse or neglect as authorized by the statute or testifies in any judicial proceeding resulting from such report is immune from civil or criminal liability unless he acted in bad faith or with malicious purpose. Anyone who makes a complaint or provides information or otherwise participates in the program authorized by the child-abuse reporting law is immune from civil or criminal liability unless he acted with malice and without reasonable cause.

Releasing Name of Reporter. The reporting law does not say whether the county department of social services may release the

name of a reporter of child abuse or neglect to the parents or other caretaker who have been reported. In general, the county departments do not identify a reporter. Still, if a case of abuse or neglect actually should go into court, as a very small percentage do, the reporter may be called as a witness.

Responsibilities of the County Department

Investigate and Evaluate. When the director or a staff member of a county department of social services receives a report of child abuse or neglect, the law requires that the department "make a prompt and thorough investigation in order to ascertain the facts of the case and to evaluate the extent of the abuse or neglect."

The use of the word "investigation" in the reporting law may be confusing. The law's purpose is to identify children at risk due to child abuse or neglect so that appropriate protective action may be taken, and the department's investigation is simply an effort to find out whether the reported abuse or neglect can be confirmed. The department does not investigate for purposes of criminal prosecution, and it is not necessary that the staff notify the parents of their legal rights. If circumstances suggest that criminal prosecution of the parents will result, the department should ask for help from the appropriate law enforcement agency. (The reporting law requires law enforcement agencies to help investigate and evaluate the seriousness of any report of child abuse or neglect when requested by the county director of social services.)

If Abuse or Neglect Is Not Confirmed. If the county social services department finds that the child has not been abused or neglected as reported, the director is required to give this information to the person who made the report. This notice could be oral, by telephone, or in writing.

Confirmed Abuse or Neglect. If the department's investigation confirms the reported abuse or neglect, the reporting law requires that the director or his staff decide whether to remove the child from his home for his protection. The law's general intent is that children and parents should be worked with while the family remains intact, if such an approach is safe, so that the child will not have to be separated from his own parents. Deciding whether abused or neglected children are in such jeopardy as to require removal from their own home is a very difficult and important matter that requires careful and experienced professional judgment.

Removal Not Necessary. If the social services department's director or appropriate staff decides that the child need not be immediately removed from his home, the reporting law requires that the county director "immediately provide or arrange for protective services."

The reporting law defines protective services as follows: "Case work or other counseling services to parents or other caretakers as provided or arranged by a director utilizing the staff of the county department of social services or other community resources which are designed to help such parents or other caretakers to prevent child abuse or neglect, to improve the quality of child care, to be more adequate parents or caretakers, and to preserve and stabilize family life."

The parents or caretakers who have been reported for abuse or neglect sometimes refuse to accept the protective services offered or provided or arranged by the county department of social services. In such a case, it seems advisable for the social services staff to explain the reporting law's requirements that they investigate and evaluate, that the evaluation shows reason for concern, and that the parents or caretakers essentially have the choice between accepting protective

services and going to court. The reporting law says: "If the parents or other caretakers refuse to accept the protective services provided or arranged by the director, the director shall sign a juvenile petition to invoke the juvenile jurisdiction of the district court for the protection of the child or children." If court action is required, the juvenile petition should allege that the child is a neglected child within the juvenile jurisdiction of the district court and needs the state's care, protection, or discipline.

Removal Necessary. If the department finds that the child must be removed for his protection, the reporting law requires that the director "sign a juvenile petition which alleges the applicable facts to invoke the juvenile jurisdiction of the district court." Such a child should be brought into district court as a neglected child within the court's juvenile jurisdiction.

Reports of Abuse to District Attorney. If the county department confirms that a child has been abused, the reporting law requires that the director or staff "immediately make a report in writing containing his findings along with a copy of the report of child abuse to the district attorney who shall determine whether criminal prosecution is appropriate and who may request the director to sign the appropriate criminal warrant." If the original report of abuse was oral or by telephone, the county director should request confirmation of the reported information in writing so that he may pass along a copy of this report to the district attorney. The Department of Human Resources provides forms for county departments to use in reporting child abuse to the district attorney.

Reports to Central Registry. The law requires the social services to submit reports "of the alleged child abuse or neglect" to the central registry of abuse and neglect maintained at the state level in the Division of Social Services, Department of Human Resources.

The law gives the Social Services Commission the legal authority to adopt policies governing operation of the central registry and access to information in the registry for appropriate study and research use. In general, the data furnished by the county social services departments to the registry are confidential.

The Social Services Commission's policies require that counties report cases of both alleged and confirmed abuse and neglect.

County Director to Utilize Staff/Other Resources. The reporting law vests most of its specified duties and responsibilities in the county director of social services, but it also says that the director may use the county department's staff and "any other public or private community agencies that may be available."

Right to Request Law Enforcement Services. The reporting law authorizes the county director to "consult with the available state or local law enforcement agencies who shall assist in the investigation and evaluation of the seriousness of any report of child abuse or neglect when requested by the director." Thus, law enforcement officers must report suspected child abuse and neglect as professionals under the reporting law to the county department. The director should consult with the appropriate law enforcement agency when criminal violations appear possible or criminal prosecution appears likely. Upon request, any state or local law enforcement agency must help the county department investigate and evaluate a child-abuse or neglect case.

Protective Authority of Hospitals or Medical Facilities

In certain situations, a hospital, clinic, or similar medical facility may retain temporary physical custody of an abused child who has

been brought in for diagnosis or treatment. The law gives such authority to the physician who examines the child or the administrator of the hospital, clinic, or other medical facility: "Any physician or administrator of a hospital, clinic or other similar medical facility to which an abused child is brought for medical diagnosis or treatment shall have the right to retain temporary physical custody of such child where the physician who examines the child certifies in writing that the child should remain for medical reasons or that in his opinion it may be unsafe for the child to return to his parents or other caretakers."

When the physician or administrator exercises this authority, he must notify the parents or other caretakers and the director of the county department of social services in the county where the child lives.

The law states that if the parents or caretakers object to temporary loss of physical custody of the child, they "shall request a hearing before the chief district judge or some district judge designated by him within the judicial district wherein the child resides or where the hospital or institution is located for review and determination of whether the child shall be returned to his parents or caretaker." Before a hearing may be requested, the parents must initiate appropriate court action in the district court to have the child returned to their custody.

Even though the parents or caretaker object, the hospital, clinic, or similar medical facility may retain temporary physical custody of the child pending a juvenile hearing or a court hearing relating to custody. In such a case, the medical facility "shall request the director of social services in the county where the child resides to petition the district court in the district where the child resides to award temporary custody of the child to the director for placement

with a relative or in a foster home under the supervision of the county department of social services or shall request the director of social services in the county where the hospital or other medical facility is located to petition the district court in the district where the hospital or other medical facility is located to award temporary physical custody of the child to the director for placement with a relative or in a foster home under the supervision of the county department of social services." The statute says that if the county director receives such a request, he "shall file such petition without delay."

Responsibilities of the State

Central Registry of Abuse and Neglect Cases. The law requires that the Department of Human Resources maintain a central registry of abuse and neglect cases reported under the reporting law "in order to compile data for appropriate study of the extent of abuse and neglect within the state and to identify repeated abuses of the same child or of other children in the same family." It further states that the registry data "shall be confidential, subject to policies adopted by the Social Services Commission which provide for its appropriate use for study and research, but in no event shall any data be used at any hearing or court proceeding unless based upon a final judgment of a court of law."

The central registry is the primary resource at the state level for information about the nature and extent of child abuses within the state, about sources that report such cases, and about parents or perpetrators of child abuse and neglect. It contains information on both alleged and confirmed cases of child abuse and neglect and is maintained by hand rather than by automation. To get information about a child, parent, or perpetrator involved in abuse or neglect in

another county, a county must contact the protective services staff of the Division of Social Services in the Department of Human Resources, Raleigh.

Rules of Evidence Modified. To facilitate proof of abuse or neglect in court proceedings, the reporting law permits exceptions to two traditional rules of evidence. The traditional husband/wife privilege and the physician/patient privilege are waived so that neither will be grounds for excluding evidence of child abuse or neglect in any judicial proceeding (civil, criminal, or juvenile) in which child abuse or neglect is in issue. Thus, either a husband or a wife is a competent witness to testify as to the abuse or neglect of the other spouse even though neither would be a competent witness against the other in most criminal cases. This may be important in cases involving young children, since abuse or neglect frequently occurs in the privacy of the home where only the innocent parent may have the facts. The waiver of the physician/patient privilege means that doctors are free to testify concerning their diagnosis or treatment or other facts in cases involving child abuse or neglect reported under the reporting law without fear of liability and regardless of the fact that such information about a patient is usually considered confidential.

Criminal Sanctions in Neglect and Abuse Cases. A number of criminal charges may be brought against parents or caretakers in neglect or abuse cases, depending upon the seriousness and circumstances of the particular case. The criminal offenses involved may vary from assault to manslaughter or murder.

Two criminal statutes specifically relate to child abuse and neglect cases: G.S. 14-316.1 makes it a misdemeanor for a parent, guardian, or other person acting in loco parentis to a child less than sixteen years of age to contribute to conditions that cause the child to

be neglected. Further, it states that the district court need not have adjudicated the child to be neglected in order for the parent or other person to be prosecuted.

G.S. 14-318.2 makes child abuse by a parent or other person providing care or supervision to a child less than sixteen years of age to be a criminal misdemeanor. These criminal statutes appear on pages 21-22.

COORDINATION FOR EFFECTIVE IMPLEMENTATION

The enactment of a child-abuse and neglect reporting law will not solve all the problems related to child abuse and neglect in North Carolina. The basic purpose of the reporting law is to identify children at risk so that appropriate protective services may be provided. The success of that approach depends on whether the law is understood and how it is implemented.

Effective implementation requires understanding, cooperation, and coordination between state and local governments and within the state's 100 counties by the citizens, law enforcement officers, county departments of social services, private agencies, public health and mental health agencies, public and private schools, the court system, physicians and hospitals, the media, and others.

Action to protect a child sometimes must be prompt or it will be too late. To be prompt in responses at the local level requires good planning, leadership, and effective coordination.

The following persons and groups need to have good information and to work effectively together for the reporting law system to achieve its goals:

The Public. Every citizen needs information not only about the complex problems related to child abuse and neglect generally but also about the reporting law in order to know about his legal responsibility to report.

County Departments of Social Services. The primary responsibility for implementing the reporting law is with the county department of social services. To be effective in protection, the county department must develop its capacity to respond with sufficient qualified staff, seven days a week, twenty-four hours a day.

Law Enforcement. Law enforcement officers are accustomed to *investigating* reports of child abuse and neglect for purposes of criminal prosecution. They now have the same legal responsibility as professionals to *report* suspected cases of abuse or neglect to the county department of social services. Also, when requested by the county director, they are required to help investigate and evaluate abuse and neglect cases. For this approach to be effective, the law enforcement officer and the social services staff need to maintain a cooperative relationship—a situation that does not now always exist.

Division of Social Services, Department of Human Resources. This state-level agency is to provide statewide leadership in understanding child abuse and neglect. It maintains the central registry of neglect and abuse cases, which should help provide information about the nature and extent of child abuse and neglect in North Carolina.

Schools. Under the reporting law, school personnel share with other professionals the higher legal duty to report suspected cases of

child abuse or neglect. Perhaps of all professional groups, teachers and others in schools have the greatest opportunities to observe and report, and thereby protect children who may be victims of abuse or neglect.

Psychologists, Mental Health Workers, Public Health Workers. These three groups of professionals were classified in 1973 as professionals under the reporting law and therefore have the responsibility for reporting suspected cases of abuse or neglect.

Physicians, Nurses, and Hospitals. Physicians, nurses, and hospital administrators are legally obliged to report suspected cases of child abuse or neglect. Further, doctors and hospitals now have legal authority to protect abused children through retaining temporary custody when necessary to protect the child.

The Court System. While only a few of the reported cases of abuse or neglect ultimately go to court, the local court officials are part of the community team in dealing with the complex problems related to such cases. District attorneys have authority to decide which abusive or neglectful parents will be prosecuted. They may need special information about these parents or about how prosecution will affect the family as a unit. Opinion differs widely about the wisdom of prosecuting parents. One legal scholar wrote: "The beginning of a prosecution is likely to be the end of a chance to improve the life of a child." Others may take the view that the child is the victim and the criminal law should be enforced in order to deter parents from child abuse or neglect.

The Media. We often look at the problems of child abuse or neglect through a sensationalized press report. Some recent newspaper features and television programs related to child abuse and neglect seem directed at helping the public understand the problem. With better information, we should be able to provide better solutions.

NORTH CAROLINA GENERAL STATUTES

The Child Abuse Reporting Law

ARTICLE 8.

Child Abuse and Neglect.

§ 110-115. Short title. — This Article may be cited as the Child Abuse Reporting Law.

§ 110-116. Legislative intent and purpose. — The General Assembly recognizes the growing problem of child abuse and neglect and that children do not always receive appropriate care and protection from their parents or other caretakers acting in loco parentis. The primary purpose of requiring reports of child abuse and neglect as provided by this Article is to identify any children suspected to be neglected or abused and to assure that protective services will be made available to such children and their families as quickly as possible to the end that such children will be protected, that further abuse or neglect will be prevented, and to preserve the family life of the parties involved where possible by enhancing parental capacity for good child care.

§ 110-117. Definitions. — As used in this Article, unless the context otherwise requires:

(1) "Abused child" means a child less than 18 years of age whose parent or other person responsible for his care:

a. Inflicts or allows to be inflicted upon such child a physical injury by other than accidental means which causes or creates a substantial risk of death or disfigurement or impairment of physical health or loss or impairment of function of any bodily organ; or

b. Creates or allows to be created a substantial risk of physical injury to such child by other than accidental means which would

be likely to cause death or disfigurement or impairment of physical health or loss or impairment of the function of any bodily organ, or

c. Commits or allows to be committed any sex act upon a child in violation of law.

(2) "Caretaker" means any person other than a parent who is acting in loco parentis to a child including but not limited to the following: grandparent, uncle or aunt or any blood relative, step-parent; foster parent; house parent or cottage parent or other person supervising a child in a child-caring institution or any State institution, person having custody by court order, and a guardian.

(3) "Director" means a county director of social services.

(4) "Neglected child" means a child less than 18 years of age who comes within the definition of "neglected child" under G.S. 7A-278(4).

(5) "Professional person" means a physician, surgeon, dentist, osteopath, optometrist, chiropractor, podiatrist, physician-resident, intern, a registered or practical nurse, hospital administrator, Christian Science practitioner, medical examiner, coroner, social worker, law-enforcement officer, mental health worker, psychologist, public health worker, or a school teacher, principal, school attendance counselor or other professional personnel in a public or private school.

(6) "Protective services" means casework or other counseling services to parents or other caretakers as provided or arranged by a director utilizing the staff of the county department of social services or other community resources which are designed to help such parents or other caretakers to prevent child abuse or neglect, to improve the quality of child care, to be more adequate parents or caretakers, and to preserve and stabilize family life.

§ 110-118. Reports of child abuse or neglect. — (a) Any professional person who has reasonable cause to suspect that any child is an abused or neglected child, or any other person having knowledge that any child is an abused child, shall report the case of such child to the director of social services of the county where the child resides or is found.

(b) The report of child abuse or neglect may be made orally, by telephone, or it may be written. The report shall include such information as is known to the person making the report, including the name and address of the child; the name and address of the child's parents or other caretakers; the age of the child; the present whereabouts of the child if not at the home address; the nature and extent of the child's injury or condition resulting from abuse or neglect; and any other information which the person making the report believes might be helpful in establishing the cause of the injuries or the condition resulting from abuse or neglect. If the report of child abuse or neglect is made orally or by telephone, the person making such report shall give his name, address, profession if a professional person, and telephone number if such person has a telephone, and the person making such a report shall confirm the information about child abuse or neglect in writing when requested by the director. If the person making the report is a professional person, the report shall also include his professional opinion as to the nature, extent and causes of the injuries or the condition resulting from abuse or neglect.

(c) Anyone who makes a report pursuant to this statute or who testifies in any judicial proceeding resulting from the report shall be immune from any civil or criminal liability that might otherwise be incurred or imposed for complying with the requirements of this statute, unless such person acted in bad faith or with malicious purpose.

(d) Any physician or administrator of a hospital, clinic or other similar medical facility to which an abused child is brought for medical diagnosis or treatment shall have the right to retain temporary physical custody of such child where the physician who examines the child certifies in writing that the child should remain for medical reasons or that in his opinion it may be unsafe for the child to return to his parents or other caretakers. In such case, the physician or administrator shall notify the parents or other caretakers and the director of the county where the child resides of such action. If the parents or other caretakers contest this action, the parents shall request a hearing before the chief district court judge or some district court judge designated by him within the judicial district wherein the child resides or where the hospital or institution is located for review and determination of whether the child shall be returned to his parents or caretaker.

Pending such juvenile hearing, the hospital, clinic or other similar medical facility:

(1) May retain temporary physical custody of the child in which event said hospital, clinic, or medical facility

(2) Shall request the director of social services in the county where the child resides to petition the district court in the district where the child resides to award temporary custody of the child to the director for placement with a relative or in a foster home under the supervision of the county department of social services or

(3) Shall request the director of social services in the county where the hospital or other medical facility is located to petition the district court in the district where the hospital or other medical facility is located to award temporary physical custody of the child to the director for placement with a relative or in a foster home under the supervision of the county department of social services.

Upon receipt of such request in (2) or (3), the director of social services shall file such petition without delay.

§ **110-119. Duty of director of social services.** — Any director of social services receiving a report of child abuse or neglect shall make a prompt and thorough investigation in order to ascertain the facts of the case and to evaluate the extent of the abuse or neglect.

After investigation and evaluation, the director of social services shall do one of the following, depending upon his findings of abuse or neglect in the particular case:

(1) If the director finds that the child has not been abused or neglected, he shall notify the person making the report of his findings.

(2) If the investigation reveals abuse or neglect, the director shall decide whether immediate removal of the child or any other children in the home is necessary for the protection of such child or children.

a. If immediate removal of the child or other children does not seem necessary, the director shall immediately provide or arrange for protective services. If the parents or other caretakers refuse to

accept the protective services provided or arranged by the director, the director shall sign a juvenile petition to invoke the juvenile jurisdiction of the district court for the protection of the child or children.

b. If immediate removal of the child or children seems necessary for the protection of the child or other children in the home, the director shall sign a juvenile petition which alleges the applicable facts to invoke the juvenile jurisdiction of the district court.

(3) If the director finds evidence that a child has been abused, he shall immediately make a report in writing containing his findings along with a copy of the report of child abuse to the district attorney who shall determine whether criminal prosecution is appropriate and who may request the director to sign the appropriate criminal warrant.

(4) The director shall submit a report of the alleged child abuse or neglect to the central registry under the policies adopted by the Social Services Commission.

In performing any of these duties, the county director may utilize the staff of the county department of social services or any other public or private community agencies that may be available. The director may also consult with the available state or local law-enforcement agencies who shall assist in the investigation and evaluation of the seriousness of any report of child abuse or neglect when requested by the director.

§ 110-120. Immunity of persons reporting. — Any person making a complaint or providing information or otherwise participating in the program authorized by this Article shall be immune from any civil or criminal liability by reason of such action, unless such person acted with malice and without reasonable cause.

§ 110-121. Waiver of privileges. — Neither the physician-patient privilege nor the husband-wife privilege shall be ground for excluding evidence of child abuse or neglect in any judicial proceeding (civil, criminal, or juvenile) in which a child's abuse or neglect is in issue, nor in any judicial proceeding resulting from a report submitted under this Article, both as said privileges relate to the competency of the witness and to the exclusion of confidential communications.

§ 110-122. Central registry. — The Department of Human Resources shall maintain a central registry of abuse and neglect cases reported under this Article in order to compile data for appropriate study of the extent of abuse and neglect within the State and to identify repeated abuses of the same child or of other children in the same family. This data shall be furnished by county directors of social services to the Department of Human Resources and shall be confidential, subject to policies adopted by the Social Services Commission which provide for its appropriate use for study and research, but in no event shall any data be used at any hearing or court proceeding unless based upon a final judgment of a court of law.

Criminal Sanctions in Child Abuse and Neglect Cases

§ 14-316.1. Contributing to delinquency and neglect by parents and others. — (a) Any parent, guardian, or other person acting in loco parentis to a child under 16 years of age who fails to exercise reasonable diligence in the care, protection, or control of such child, or who knowingly or willfully permits such child to associate with immoral persons, or to beg, or to solicit funds, or to be unlawfully absent from school, or to engage in sexual intercourse, or to enter any place which may be injurious to the morals, health, or general welfare of such child shall be guilty of a misdemeanor.

(b) Any person who knowingly or willfully causes, encourages, or aids any child under 16 years of age to be in a place or condition, or to commit an act whereby such child could be adjudicated delinquent, undisciplined or neglected is defined by G.S. 7A-278 or who engages in sexual intercourse with such child shall be guilty of a misdemeanor.

(c) It shall not be necessary for a district court exercising juvenile jurisdiction to make an adjudication that any child is delinquent, undisciplined or neglected in order to prosecute a parent or any other person under this section. An adjudication that a child is deliquent, undisciplined or neglected

shall not preclude a subsequent prosecution of a parent or any other person who contributes to the delinquent, undisciplined or neglected condition of any child.

§ **14-318.2. Child abuse as a general misdemeanor.** — (a) Any parent of a child less than 16 years of age, or any other person providing care to or supervision of such child, who inflicts physical injury, or who allows physical injury to be inflicted, or who creates or allows to be created a substantial risk of physical injury, upon or to such child by other than accidental means is guilty of the misdemeanor of child abuse.

(b) The misdemeanor of child abuse is an offense additional to other civil and criminal provisions and is not intended to repeal or preclude any other sanctions or remedies, and is punishable as provided in G.S. 14-3(a).

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